

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 Case No.
8 1:17-MD-2804
9
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12

13 THURSDAY, JULY 19, 2018

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Gary L.
18 Boggs, held at the offices of The Cochran
19 Firm, D.C., 1100 New York Avenue, NW, Suite
20 340, Washington, DC, commencing at 9:05 a.m.,
21 on the above date, before Carrie A. Campbell,
22 Registered Diplomat Reporter and Certified
23 Realtime Reporter.

24 - - -

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VIDEOGRAPHER:

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DANIEL HOLMSTOCK,

Golkow Litigation Services

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1	INDEX		
2			PAGE
3	APPEARANCES.....		2
4	EXAMINATIONS		
5	BY MR. HAWAL.....		10
6			
7	EXHIBITS		
8	No.	Description	Page
■	■	■	■
	■	■	
■		■	
		■	
■		■	
		■	
■		■	
	■	■	■
■	■	■	
		■	
■		■	
		■	
■		■	
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(Exhibits attached to the deposition.)

CERTIFICATE.....100

ACKNOWLEDGMENT OF DEPONENT.....102

ERRATA.....103

LAWYER'S NOTES.....104

1 VIDEOGRAPHER: We are now on
2 the record. My name is Daniel
3 Holmstock. I'm the videographer for
4 Golkow Litigation Services.

5 Today's date is July 19, 2018,
6 and the time is 9:05 a.m. This video
7 deposition is being held at the law
8 offices of The Cochran Firm at 1100
9 New York Avenue, Northwest, Suite 340,
10 in Washington, DC, in the matter of
11 In Re: National Prescription Opiate
12 Litigation. It's pending before the
13 United States District Court for the
14 Northern District of Ohio, Eastern
15 Division.

16 Our deponent today is Mr. Gary
17 Boggs.

18 Will counsel present please
19 identify themselves and whom they
20 represent.

21 MR. HAWAL: William Hawal for
22 plaintiffs.

23 MR. MOYLAN: Daniel Moylan,
24 Zuckerman Spaeder, for CVS.

25 MR. LIVINGSTON: Scott

1 Livingston for defendant HBC.

2 MS. MCCLURE: Shannon McClure,
3 Reed Smith, AmerisourceBergen Drug
4 Corporation.

5 MR. WEEKS: Paul Weeks,
6 Kirkland & Ellis, for Allergan
7 Finance.

8 MR. RICARD: Paul Ricard,
9 Prescription Supply, Inc.

10 MS. CHARLES: Amber Charles
11 from Covington for McKesson as well as
12 the witness Gary Boggs.

13 MR. STANNER: Andrew Stanner
14 from Covington on behalf of McKesson.

15 MS. CONWAY: Sarah Conway from
16 Jones Day for Walmart.

17 MR. CELLA: John Cella from
18 Arnold & Porter for Endo and Par.

19 MS. MCNAMARA: Colleen McNamara
20 from Williams & Connolly for Cardinal
21 Health.

22 VIDEOGRAPHER: Via telephone?

23 MR. LADD: Matthew Ladd of
24 Morgan Lewis representing Rite Aid.

25 MS. DUDZINSKI: Jane Dudzinski

1 of Morgan Lewis representing
2 Defendants Cephalon, Teva, USA,
3 Actavis, LLC, Actavis Pharma, and
4 Watson Laboratories.

5 MR. AUBEL: Bill Aubel of
6 Jackson Kelly representing
7 Miami-Luken, Inc.

8 MR. RAFFERTY: Troy Rafferty on
9 behalf of the PEC.

10 MS. FOSTER: Sarah Foster from
11 Morgan & Morgan for plaintiff.

12 VIDEOGRAPHER: If there's no
13 other present, the court reporter is
14 Carrie Campbell, who will now
15 administer the oath.

16
17 GARY L. BOGGS,
18 of lawful age, having been first duly sworn
19 to tell the truth, the whole truth and
20 nothing but the truth, deposes and says on
21 behalf of the Plaintiffs, as follows:

22
23 DIRECT EXAMINATION

24 QUESTIONS BY MR. HAWAL:

25 Q. Mr. Boggs, good morning.

1 A. Good morning.

2 Q. Will you please state your full
3 name?

4 A. Gary Lee Boggs.

5 Q. My name is Bill Hawal. I'm
6 here to take your deposition.

7 Have you ever had your
8 deposition taken before?

9 A. I have.

10 Q. Approximately how many times?

11 A. Dozens.

12 Q. As you know, if at any time you
13 don't understand my question or you need
14 clarification, please let me know.

15 Is that agreeable?

16 A. I will.

17 Q. And if you need to go back
18 during the course of this deposition to
19 correct any answers, feel free to do that.

20 All right?

21 A. Thank you.

22 Q. At the conclusion of the
23 deposition, I'm going to assume that you were
24 able to understand my questions if you
25 provided an answer.

1 Is that fair?

2 A. It is.

3 Q. All right. Who are you
4 currently employed with?

5 A. I'm employed by McKesson
6 Corporation.

7 Q. And how long have you been
8 employed with McKesson?

9 A. I've been employed since
10 November of 2013.

11 Q. All right. And what position
12 do you hold with McKesson?

13 A. I'm the senior director of
14 regulatory affairs.

15 Q. And have you held that position
16 the entire time that you've worked for
17 McKesson?

18 A. I have.

19 Q. All right. Can you describe
20 for us the job responsibilities that you have
21 in that capacity?

22 A. I can.

23 I'm responsible for managing
24 the east region, which is, for the most part,
25 essentially the -- well, east of the

1 Mississippi, the distribution centers that
2 are located in that region, with the
3 exception of the Chicago distribution center.

4 I have a team of about 13
5 individuals that report either directly or
6 indirectly to me that -- I'm responsible for
7 overseeing the day-to-day implementation of
8 our controlled substance monitoring program.

9 Q. All right. Before you joined
10 McKesson in November of 2013, did that job
11 position exist at McKesson, to your
12 knowledge?

13 A. It did not.

14 Q. All right. It was created to
15 accommodate your hiring?

16 A. It was created to accommodate
17 an expansion or an evolution of our program,
18 and there was more positions created.

19 Q. And who is your direct
20 supervisor? Who do you report to?

21 A. I report to the senior vice
22 president of regulatory and compliance.

23 Q. And who would that be?

24 A. The position is vacant at the
25 moment.

1 Q. And how long has it been
2 vacant, approximately?

3 A. The end of June of this year.

4 Q. And who occupied that position
5 prior to June, end of June of this year?

6 A. Lina Brenner.

7 Q. And did she retire or did she
8 leave for some other reason, if you know?

9 A. She left McKesson for
10 another -- another job.

11 Q. And do you know where she is
12 and who she is working for?

13 A. I do not.

14 Q. All right. Is your job focused
15 on efforts to have McKesson comply with laws
16 and regulations which require it to maintain
17 effective controls to prevent the diversion
18 of controlled substances such as opioids into
19 the illicit marketplace?

20 A. It is.

21 Q. All right. And were you hired
22 in 2013 because it was deemed that McKesson's
23 performance in that capacity was lacking?

24 MR. STANNER: Objection to the
25 form.

1 THE WITNESS: I don't agree
2 with the characterization of that, no.

3 QUESTIONS BY MR. HAWAL:

4 Q. Why were you hired if it
5 wasn't -- if it was up to -- up to par, if
6 the performance was up to par in terms of
7 that responsibility?

8 MR. STANNER: Objection to the
9 form.

10 THE WITNESS: I believe that
11 the company was expanding the
12 positions in the regulatory compliance
13 program, created that new position, I
14 applied for it and was subsequently
15 hired.

16 QUESTIONS BY MR. HAWAL:

17 Q. Was it your job to try and
18 improve the company's performance in terms of
19 complying with the federal laws and
20 regulations that relate to the diversion of
21 controlled substances?

22 A. I believe that part of my job
23 is to continually monitor the trends and make
24 sure that our program is contemporary, yes.

25 Q. Well, do you believe that one

1 of your job responsibilities and goals was to
2 improve on McKesson's performance in
3 comparison to what it had been in the past in
4 terms of preventing diversion and complying
5 with federal laws and regulations?

6 A. I think that my job is to
7 always look to -- ways to improve our
8 program.

9 Q. Do you believe that your job --
10 your hiring was intended to accommodate that
11 or accomplish that?

12 A. I don't know what the
13 individual's mind was when they decided to
14 pick that position.

15 Q. Who hired you?

16 A. Don Walker.

17 Q. Is he still with the company?

18 A. He is not.

19 Q. And what was his position when
20 you were hired in 2013?

21 A. He was the senior vice
22 president of distribution operations for US
23 pharma.

24 Q. As I understand it, prior to
25 joining McKesson in 2013, you were an

1 employee of the Drug Enforcement Agency, DEA?

2 A. I was an employee of the Drug
3 Enforcement Administration, yes.

4 Q. And for what period of time?

5 A. From 1985 until the end of June
6 of 2012.

7 Q. And what positions had you held
8 for the DEA?

9 A. I was -- throughout the entire
10 time I was a special agent. I held positions
11 as a special agent, as a group supervisor, as
12 a unit chief and as an executive assistant.

13 Q. And how long had you been an
14 executive assistant?

15 A. I was an executive assistant
16 beginning in January of 2016 until I retired
17 from the Agency at the end of June of 2012.

18 Q. And who did you report to or
19 who supervised you in that capacity?

20 A. Joseph Rannazzisi.

[REDACTED]

[illegible]

[REDACTED]

[REDACTED]

3 Q. Have you met with other
4 pharmaceutical distributors other than
5 McKesson in your capacity as an executive
6 assistant for DEA?

7 A. I believe I did, yes.

8 Q. Do you recall who -- what other
9 companies you met with?

10 A. I believe I might have had a
11 meeting with representatives from Cardinal.
12 I don't recall any others.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

[illegible]

- [illegible]

[illegible]

■ [REDACTED]

2 QUESTIONS BY MR. HAWAL:

3 Q. You've been designated by
4 McKesson's counsel to be a representative of
5 the company for purposes of today's
6 deposition as the person most knowledgeable
7 concerning McKesson's interactions with the
8 DEA regarding distribution of controlled
9 substances, including compliance, regulatory
10 and administrative actions, communications
11 and penalties.

12 Do you understand that to be
13 the case?

14 A. I do.

15 Q. And are you the person at
16 McKesson that is most knowledgeable about
17 those subject matters?

18 A. I believe I'm knowledgeable
19 about them, yes.

20 Q. What did you do to become
21 knowledgeable about those matters as it
22 relates to what occurred at McKesson prior to
23 you joining the company in November of 2013?

24 A. I've had meetings with counsel,
25 preparation, to prepare myself.

1 Q. What else have you done, if
2 anything, to prepare yourself and become
3 knowledgeable about those subjects prior to
4 November of 2013?

5 A. I reviewed various documents,
6 PowerPoint presentations.

7 Q. And documents relating to what
8 time period?

9 A. I believe 2007 or so to the
10 present.

11 Q. Did you review any documents
12 that predated 2007?

13 A. I don't recall.

14 Q. Did you speak with anyone at
15 McKesson about the subject matters in order
16 to familiarize yourself with what had been
17 occurring at McKesson prior to you joining
18 the company?

19 A. I did not.

20 Q. What is the volume, approximate
21 volume, of materials that you've reviewed?

22 A. There were several documents,
23 PowerPoint presentations. I'm not sure how
24 to describe the volume.

25 Q. Well, you say "several

1 documents." Is that more or less than five?

2 A. More.

3 Q. More or less than ten?

4 A. More.

5 Q. More or less than 20?

6 A. Probably more.

7 Q. More or less than 30?

8 A. I don't know at that point.

9 Q. Did you have any role in
10 gathering those documents?

11 A. I did not.

12 Q. They were provided to you by
13 counsel?

14 A. They were.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- A horizontal bar chart titled 'Percentage of respondents who believe that the government should take action to reduce greenhouse gas emissions'. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The x-axis represents the percentage of respondents, ranging from 0% to 100%. The y-axis lists the categories. The data is as follows:

Age Group	Gender	Percentage
18-29	Male	85%
	Female	90%
30-49	Male	75%
	Female	80%
50-69	Male	65%
	Female	70%
70+	Male	55%
	Female	60%

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. Were you involved -- you
18 mentioned that you were part of one meeting
19 in 2006 when you were with DEA, one meeting
20 with McKesson.

21 Did you ever have any reason to
22 correspond in writing with McKesson when you
23 were a DEA employee?

24 A. I did not.

25 Q. Did you ever have any role in

1 creating or reviewing the content of any
2 written communications on behalf of DEA that
3 was sent to McKesson?

4 A. I did not.

5 Q. According to the Congressional
6 record for the May 8, 2018 hearing of the
7 Congressional Subcommittee on Oversight and
8 Investigations relating to opioid -- the
9 opioid epidemic and concerns about
10 distribution and diversion, that there were
11 meetings between DEA and McKesson in 2005 and
12 2006.

13 Are you aware of that
14 transcript or aware of that hearing
15 referencing two meetings in 2005 and 2006?

16 A. I'm aware of the hearing, yes.

17 Q. All right. Do you recall that
18 there was reference to a meeting in 2005 and
19 2006 between McKesson and DEA?

20 A. I do not recall that
21 specifically from the hearing.

22 Q. You mentioned previously that
23 you were part of the meeting in 2016. Do you
24 recall that there was also a meeting in 2005
25 between DEA and McKesson?

1 A. I was not. At the Drug
2 Enforcement Administration, I was not in the
3 Office of Diversion Control in 2005, so I'm
4 not aware of that meeting.

5 Q. When did you become part of the
6 Office of Diversion and Control?

7 A. January of 2006.

8 Q. Have you seen any records at
9 McKesson that relate to a meeting in 2005
10 with DEA?

11 A. Not that I recall.

[REDACTED]

- A horizontal bar chart titled 'Percentage of respondents who believe that the government should take action to reduce greenhouse gas emissions'. The chart is broken down by age group (18-29, 30-49, 50-69, 70+) and gender (Male, Female). The x-axis represents the percentage of respondents, ranging from 0% to 100%. The y-axis lists the categories. The data is as follows:

Age Group	Gender	Percentage
18-29	Male	95%
	Female	65%
30-49	Male	92%
	Female	98%
50-69	Male	88%
	Female	95%
70+	Male	42%
	Female	98%
Total	Male	83%
	Female	90%

21 How do you define the term
22 "diversion" as it relates to controlled
23 substances?

24 A. I would define diversion as an
25 act of removing controlled substances from

1 legitimate channels to illegitimate channels.

2 Q. And that -- was that something
3 that the DEA was invested in trying to
4 prevent in the early, mid and late 2000s?

5 MR. STANNER: Objection to the
6 form.

7 THE WITNESS: It was.

8 QUESTIONS BY MR. HAWAL:

9 Q. Were substantial efforts
10 devoted to that goal?

11 MR. STANNER: Objection to the
12 form. Objection to outside the scope
13 of the notice.

14 THE WITNESS: I believe that
15 there were some -- a fair amount of
16 efforts to try to deal with the scheme
17 of rogue Internet pharmacies during
18 that time frame.

19 QUESTIONS BY MR. HAWAL:

20 Q. And those efforts were -- was
21 it communicated to McKesson and other
22 distributors at that time that the DEA was
23 indeed focused upon that problem?

24 A. I believe that there were at
25 least two letters written by Joseph

1 Rannazzisi that addressed that topic, yes.

2 Q. And were those letters directed
3 to pharmaceutical distributors because it was
4 well-recognized at that time that there was
5 an ongoing opioid crisis across the United
6 States?

7 A. I believe that it was
8 recognized that there was a criminal scheme,
9 the rogue Internet pharmacy schemes, and
10 those efforts were trying to curb that and
11 prevent that scheme from flourishing.

12 Q. Well, aside from there being a
13 scheme, was there a recognized opioid crisis
14 across the country that was resulting in
15 addiction and fatalities?

16 MR. STANNER: Objection to the
17 form. Objection to the notice.

18 THE WITNESS: I believe that's
19 the case, yes.

20 QUESTIONS BY MR. HAWAL:

21 Q. When did DEA first recognize
22 that there was an opioid crisis in the United
23 States?

24 MR. STANNER: Objection to the
25 form. Objection to the notice.

1 THE WITNESS: I believe that
2 the opioid crisis -- the federal
3 government recognized that through the
4 CDC, not through the Drug Enforcement
5 Administration.

6 QUESTIONS BY MR. HAWAL:

7 Q. And when did you become aware
8 that that was the fact?

9 MR. STANNER: Objection to the
10 form. Objection to the notice.

11 THE WITNESS: I don't recall
12 specifically when they -- the CDC made
13 that announcement.

14 QUESTIONS BY MR. HAWAL:

15 Q. Well, do you recall generally
16 was it prior to 2000 or shortly after the
17 year 2000?

18 A. It was a fair amount after
19 that.

20 Q. When you say "a fair amount,"
21 what do you mean by that?

22 A. Several years.

23 Q. And were Mr. Rannazzisi's
24 letters and the meetings that DEA had with
25 McKesson and other distributors prompted by

1 DEA's recognition that the diversion of
2 pharmaceutical opioids was occurring and
3 contributing to the opioid crisis or
4 epidemic?

5 MR. STANNER: Objection to the
6 form. Objection. Outside the scope
7 of the notice.

8 THE WITNESS: I think that that
9 would be fair assessment, yes.

10 QUESTIONS BY MR. HAWAL:

20 Q. Those were statements that were
21 communicated to McKesson and other
22 distributors by -- through Mr. Rannazzisi's
23 letters, true?

24 MS. MCCLURE: Objection to
25 form.

1 THE WITNESS: Could you repeat
2 the question?

3 QUESTIONS BY MR. HAWAL:

4 Q. Yes.

5 Those concerns were
6 communicated via Mr. Rannazzisi's letters to
7 McKesson and other distributors, true?

8 MR. STANNER: Objection to the
9 form.

10 MS. MCCLURE: Same.

11 MR. STANNER: Objection to the
12 notice.

13 THE WITNESS: What concerns are
14 you referring to?

15 QUESTIONS BY MR. HAWAL:

16 Q. I'm referring to the concerns
17 that McKesson and other distributors were not
18 implementing effective controls in order to
19 prevent the diversion of controlled
20 substances into the illicit marketplace.

21 MR. STANNER: Objection to the
22 form.

23 THE WITNESS: As I recall, the
24 letters were a reminder to the
25 distributors what their regulatory

1 obligations were in identifying and
2 reporting suspicious orders. And the
3 letters also provided some guidance in
4 terms of potential red flags that they
5 should be aware of to look at in
6 knowing their customer.

7 QUESTIONS BY MR. HAWAL:

8 Q. Well, why was McKesson required
9 to receive a reminder of its obligations?

10 MR. STANNER: Objection to the
11 form.

12 THE WITNESS: Those letters
13 were sent to all distributors, not
14 just McKesson.

15 QUESTIONS BY MR. HAWAL:

16 Q. Why were all distributors
17 required -- or why did they require reminders
18 of their obligations under federal law and
19 regulations with respect to preventing the
20 diversion of controlled substances?

21 MR. STANNER: Objection to the
22 form.

23 MS. MCCLURE: Objection.

24 THE WITNESS: I believe that
25 during that time frame that the rogue

1 Internet pharmacy schemes were a
2 relatively new scheme to both law
3 enforcement and to the health care
4 industry, and it was sent out as a
5 reminder of potentially evolving red
6 flags that they should be cognizant of
7 in fulfilling their obligations to
8 report suspicious orders.

9 QUESTIONS BY MR. HAWAL:

The diagram consists of 16 horizontal bars of varying lengths and positions, arranged in a staggered fashion. The bars are colored in a light gray shade. The sequence of bars is as follows:

- Bar 1: Starts at the left edge, ends at approximately 1/4 of the width.
- Bar 2: Starts at approximately 1/4 of the width, ends at approximately 3/4 of the width.
- Bar 3: Starts at the left edge, ends at approximately 3/4 of the width.
- Bar 4: Starts at the left edge, ends at the right edge.
- Bar 5: Starts at the left edge, ends at approximately 1/4 of the width.
- Bar 6: Starts at approximately 3/4 of the width, ends at the right edge.
- Bar 7: Starts at approximately 1/4 of the width, ends at approximately 1/2 of the width.
- Bar 8: Starts at approximately 1/4 of the width, ends at approximately 3/4 of the width.
- Bar 9: Starts at the left edge, ends at the right edge.
- Bar 10: Starts at the left edge, ends at approximately 3/4 of the width.
- Bar 11: Starts at the left edge, ends at the right edge.
- Bar 12: Starts at the left edge, ends at approximately 3/4 of the width.
- Bar 13: Starts at approximately 1/4 of the width, ends at approximately 1/2 of the width.
- Bar 14: Starts at approximately 1/2 of the width, ends at approximately 3/4 of the width.
- Bar 15: Starts at approximately 3/4 of the width, ends at the right edge.
- Bar 16: Starts at approximately 1/4 of the width, ends at approximately 1/2 of the width.

Row	Bar Start (approx. %)	Bar End (approx. %)
1	22	76
2	22	92
3	22	72
4	9	56
5	22	88
6	9	78
7	36	60
8	64	96
9	22	32
10	36	60
11	64	94
12	22	94
13	22	42
14	9	56
15	22	76
16	9	100
17	9	66
18	22	78
19	9	96
20	9	84
21	9	84

21 MS. MCCLURE: And, Bill, while
22 we're on just a quick pause, if I
23 could just clarify through the record
24 that an objection for one stands for
25 an objection for all so I don't

1 keep --

2 MR. HAWAL: No problem.

3 MS. MCCLURE: -- interposing my
4 objections unnecessarily.

5 MR. HAWAL: Understood. Thank
6 you.

7 MS. MCCLURE: Thank you.

8 QUESTIONS BY MR. HAWAL:

9 Q. The DEA did not have a meeting
10 with all distributors, true?

11 MR. STANNER: Objection to
12 form.

13 QUESTIONS BY MR. HAWAL:

14 Q. In 2006?

15 MR. STANNER: Objection to the
16 form. Objection to the notice.

17 THE WITNESS: Not that I'm
18 aware of.

19 QUESTIONS BY MR. HAWAL:

20 Q. The meetings that you're aware
21 of that occurred in 2006 were with --
22 specifically with McKesson and Cardinal?

23 A. I don't recall specifically
24 when the meeting with Cardinal was. It may
25 have been 2006. It may have been at another

1 time frame.

2 Q. All right. But those are the
3 only two meetings that you recall since you
4 joined the Office of Diversion and Control?

5 MR. STANNER: Objection to the
6 form.

7 QUESTIONS BY MR. HAWAL:

8 Q. In 2006 or thereabouts?

9 MR. STANNER: Objection to the
10 form. Objection to the notice.

11 THE WITNESS: There were
12 meetings with other registrants.
13 There were meetings with -- at that
14 time what was HDMA, the health care
15 industry trade -- or association.
16 There were several meetings.

17 QUESTIONS BY MR. HAWAL:

18 Q. What were the meetings with
19 HDMA about?

20 MR. STANNER: Objection to the
21 form. Objection. Outside the scope
22 of the notice.

23 THE WITNESS: They were about a
24 wide variety of different things.
25 About attempts -- pending proposed

1 legislation, regulations, obtain --
2 looking for clarity in the
3 regulations. Several different
4 topics.

5 QUESTIONS BY MR. HAWAL:

6 Q. Were most of the meetings in
7 2006 that you were aware of focused primarily
8 upon efforts to prevent diversion of
9 controlled substances?

10 MR. STANNER: Same objections.

11 THE WITNESS: I would say -- in
12 those particular instances, yes.

13 QUESTIONS BY MR. HAWAL:

A horizontal bar chart with 12 rows. Each row consists of a small gray square, a gap, another small gray square, a gap, and a long gray bar. The bars vary in length and position across the rows.

25 Q. And can you describe for us

1 what your understanding is of what a show
2 cause order is?

3 A. A show cause order issued by
4 the Drug Enforcement Administration is the
5 beginnings of an administrative procedure
6 against a registrant for the registrant to
7 show why the registration should or should
8 not be revoked.

[illegible]

Age Group	Don't know	No	Yes	Probably yes	Probably no
18-24	25%	10%	10%	10%	10%
25-34	15%	10%	10%	10%	10%
35-44	10%	10%	10%	10%	10%
45-54	10%	10%	10%	10%	10%
55-64	10%	10%	10%	10%	10%
65-74	10%	10%	10%	10%	10%
75+	10%	10%	10%	10%	10%

16 QUESTIONS BY MR. HAWAL:

17 Q. You previously referred to
18 letters by Joseph Rannazzisi, the Deputy
19 Assistant Administrator of DEA's Office of
20 Diversion Control, to McKesson.

21 Do you recall that?

22 A. I do.

23 Q. Was Mr. Rannazzisi at the time
24 one of your supervisors?

25 A. He was my supervisor, yes.

1 Q. And in 2006, he sent a letter
2 to McKesson on September 27, 2006.

3 You're aware of that?

4 A. He sent that letter to all
5 distributors.

6 Q. All right. Including McKesson?

7 A. Including McKesson.

8 Q. And you've looked at that
9 letter in preparation for your deposition
10 today?

11 A. I have.

12 (McKesson-Boggs Exhibit 1
13 marked for identification.)

14 QUESTIONS BY MR. HAWAL:

15 Q. Sir, handing you what has been
16 marked as Plaintiff's Exhibit 1 for purposes
17 of your deposition is a four-page letter
18 dated September 27, 2006, which is actually
19 addressed to DBS Trading, Inc., in
20 Cincinnati.

21 But do you recognize that this
22 letter is, in fact, the same letter that
23 would have gone out to all distributors at
24 that time?

25 MR. STANNER: Objection to the

1 form.

2 MS. MCCLURE: Would you just
3 mind making just a note perhaps of the
4 Bates number on the document for
5 purposes of the transcript so there's
6 no --

7 MR. HAWAL: Sure. Well, this
8 one does not have a Bates number.
9 This is not part of the production.

10 MS. MCCLURE: Okay.

11 QUESTIONS BY MR. HAWAL:

12 Q. Have you had a chance to look
13 at the letter?

14 A. I have.

15 Q. Do you recognize this letter as
16 the letter that had gone out to all
17 distributors from the DEA on September 27,
18 2006?

19 A. I do.

20 Q. And this would have been a
21 letter that would have been sent to and
22 received by McKesson approximately at that
23 time?

24 A. Around that time frame, yes.

25 Q. Were you aware at the time that

1 this letter was being sent?

2 A. I was.

3 Q. Did you have any involvement
4 into its content?

5 MR. STANNER: Objection.

6 Outside the scope of the 30(b)(6)
7 notice.

8 MR. HAWAL: Excuse me, but
9 before we go on, how can this be
10 outside the scope since it's
11 communication between DEA and
12 McKesson?

13 MR. STANNER: Sure. And this
14 deposition is a corporate deposition
15 of him as a representative of
16 McKesson. So to the extent you're
17 asking him to speak in his personal
18 capacity about his time at DEA, I
19 think it's outside the scope of this
20 notice. There will be a fact
21 deposition.

22 MR. HAWAL: Well, I'm simply
23 trying to put things in context.

24 MR. STANNER: I understand.

25 MR. HAWAL: Okay. Thank you.

1 MR. STANNER: I'm just trying
2 to preserve the issues.

3 QUESTIONS BY MR. HAWAL:

4 Q. I can't recall if you answered
5 my question, but did you have any role in
6 contributing to the content of this letter?

7 A. I did not.

8 Q. Was it -- did you see it before
9 it was sent out?

10 MR. STANNER: Same objection.

11 THE WITNESS: I believe I did,
12 yes.

13 QUESTIONS BY MR. HAWAL:

14 Q. Did you have any disagreement
15 with its content or make any recommendations
16 to Mr. Rannazzisi as to any revisions to the
17 letter?

18 MR. STANNER: Same objections.

19 THE WITNESS: Not that I
20 recall.

21 QUESTIONS BY MR. HAWAL:

22 Q. Do you recall whether or not
23 this letter was prompted by DEA's frustration
24 that certain distributors were not
25 effectively preventing the diversion of

1 controlled substances, especially opioids, as
2 required by the Controlled Substances Act?

3 MR. STANNER: Objection to the
4 form and the notice.

5 THE WITNESS: I believe that it
6 was sent out to help ensure that
7 distributors were complying with their
8 obligations in order to help prevent
9 diversion.

10 QUESTIONS BY MR. HAWAL:

11 Q. Was it also sent out because of
12 DEA's recognition that certain distributors
13 were not complying with their obligations
14 under the law and federal regulations?

15 MR. STANNER: Same objections.

16 THE WITNESS: I believe that
17 was the case, yes.

18 QUESTIONS BY MR. HAWAL:

19 Q. And was that one of the reasons
20 that it was sent to McKesson?

21 MR. STANNER: Same objection.

22 THE WITNESS: It wasn't
23 specifically sent as being done
24 specifically to McKesson or any other
25 company. It was done to send out to

1 all distributors as a reminder.

2 McKesson was not a focus specifically
3 for this letter to go out. It was
4 sent out to all distributors.

5 QUESTIONS BY MR. HAWAL:

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ ■ [REDACTED]

12 MR. STANNER: Objection to the
13 form.

14 QUESTIONS BY MR. HAWAL:

15 Q. Given that scenario and those
16 circumstances, was it your expectation or was
17 it your understanding the DEA in sending this
18 letter to McKesson was informing it of its
19 obligations under the Controlled Substances
20 Act because of the determination and finding
21 that it had not been complying with its
22 obligations?

23 MR. STANNER: Objection to the
24 form and notice.

25 THE WITNESS: It was sent out

1 to all the distributors as a reminder
2 of their obligations to help DEA in
3 its efforts to prevent diversion of
4 controlled substances.

5 QUESTIONS BY MR. HAWAL:

6 Q. Do you believe that this letter
7 should have informed McKesson during this
8 time period of its obligations under the
9 Controlled Substances Act with respect to the
10 prevention of diversion of controlled
11 substances?

12 MR. STANNER: Continuing
13 objections.

14 THE WITNESS: I do.

15 QUESTIONS BY MR. HAWAL:

16 Q. Did the DEA through this letter
17 intend to communicate to distributors,
18 including McKesson, some guidance on what
19 circumstances may indicate diversion by a
20 pharmacy customer to an illicit entity or
21 person?

22 MR. STANNER: Same objections.

23 THE WITNESS: I do.

24 QUESTIONS BY MR. HAWAL:

25 Q. In this September of 2006

1 letter, did Mr. Rannazzisi also warn
2 distributors, including McKesson, that if
3 they failed to comply with their legal
4 obligation to effectively prevent diversion,
5 that they could be the subject of criminal
6 and civil penalties?

7 MR. STANNER: Same objections.

8 THE WITNESS: I believe that's
9 the case, yes.

10 QUESTIONS BY MR. HAWAL:

11 Q. And just one distributor that
12 uses its DEA registration to facilitate
13 diversion can cause enormous harm, true?

14 MR. STANNER: Same objections.

15 THE WITNESS: It would depend
16 on the facts and circumstances.

17 QUESTIONS BY MR. HAWAL:

18 Q. Well, that's what
19 Mr. Rannazzisi pointed out to the
20 distributors via this letter, true?

21 A. That's what's in the letter,
22 yes.

23 Q. And did Mr. Rannazzisi find it
24 necessary to follow up with another letter to
25 distributors on December 27, 2007?

1 MR. STANNER: Objection to the
2 form. Objection to the notice.

3 THE WITNESS: I'm aware of that
4 letter, yes.

5 (McKesson-Boggs Exhibit 2
6 marked for identification.)

7 QUESTIONS BY MR. HAWAL:

8 Q. Sir, handing you what has been
9 marked as Exhibit 2 for purposes of your
10 deposition is a letter dated December 27,
11 2007, this time directed to Masters
12 Pharmaceutical, Inc.

13 Do you recognize this letter?

14 A. I do.

15 Q. And is this a letter that would
16 have been sent to all pharmaceutical
17 distributors at or around December 27, 2007?

18 MR. STANNER: Objection to the
19 form.

20 THE WITNESS: It would have.

21 QUESTIONS BY MR. HAWAL:

22 Q. And it would have been sent to
23 and received by McKesson at or around this
24 time frame?

25 A. That's correct.

1 Q. Was it determined at DEA that
2 it was necessary, again, to remind
3 distributors, including McKesson, of their
4 legal obligations under the Controlled
5 Substances Act to maintain effective controls
6 against the diversion of controlled
7 substances?

8 MR. STANNER: Objection to the
9 form.

10 THE WITNESS: It was.

11 QUESTIONS BY MR. HAWAL:

12 Q. Why?

13 A. There was a --

14 MR. STANNER: Objection to the
15 form. Objection. Outside the scope
16 of the notice.

17 THE WITNESS: During this time
18 frame, there was a continual problem
19 with the rogue Internet pharmacies and
20 we wanted to try to help prevent
21 diversion emanating out of that
22 particular scheme. And we wanted to
23 continue reminding the registrants who
24 were supplying these pharmacies of
25 their obligations in order to help

1 stem the tide against those
2 distributions.

3 QUESTIONS BY MR. HAWAL:

A horizontal bar chart with 15 rows. Each row consists of a small gray square on the left, followed by a gap, then another small gray square, and then a long gray bar. The bars vary in length and position, creating a fragmented, abstract pattern.

20 (McKesson-Boggs Exhibit 3
21 marked for identification.)

22 QUESTIONS BY MR. HAWAL:

23 Q. Sir, I'm handing you what I've
24 marked as Plaintiff's Exhibit 3 for purposes
25 of this deposition.

1 Is that the settlement and
2 release agreement that was entered into
3 between McKesson and the Department of
4 Justice and the DEA?

5 MS. MCCLURE: While Mr. Boggs
6 is reading that, would you please
7 indicate for the record the Bates
8 number that appears on the first page
9 of the document?

10 MR. HAWAL: I am sorry. Bates
11 number is MCKMDL00409289.

12 MS. MCCLURE: Thank you.

13 QUESTIONS BY MR. HAWAL:

14 Q. Sir, is this the settlement
15 agreement that was entered into at that time?

16 A. I believe it is, yes.

17 Q. And McKesson agreed to pay a
18 fine of \$13,250,000 as a part of that
19 settlement?

20 A. It did.

21 Q. In addition, McKesson agreed to
22 institute a compliance program to detect and
23 prevent diversion of controlled substances?

24 A. That was part of the agreement,
25 yes.

1 Q. Is that program described as
2 the -- is it described in a compliance
3 addendum?

4 A. I believe it is.
5 (McKesson-Boggs Exhibit 4
6 marked for identification.)

7 QUESTIONS BY MR. HAWAL:

8 Q. Sir, handing you what's been
9 marked as Exhibit 4. Feel free to take a
10 look at it and ask you whether or not you
11 recognize that as a true and accurate copy of
12 the compliance addendum that was entered
13 into, which does not have a Bates number?

14 A. This is not a compliance
15 addendum from 2008.

16 Q. When is it? When is that one?

17 A. This is the most recent one.

18 Q. And when was the most recent
19 one entered?

20 A. It was -- we signed on
21 January 17, 2017.

22 Q. What were the general terms or
23 provisions of the compliance addendum in
24 2008?

25 A. There was an agreement to

1 maintain effective controls against
2 diversion, a controlled substances monitoring
3 program, and it outlines that agree -- in the
4 agreement.

5 Q. And did the DEA communicate to
6 McKesson at that time that it intended or
7 expected McKesson to comply with the terms of
8 that addendum agreement and its new CSMP?

9 A. I believe that's the case, yes.

[REDACTED]

19 Q. And as a part of that
20 settlement, did McKesson promise that it
21 would discharge its legal obligations
22 regarding the prevention of the diversion of
23 controlled substances?

24 A. I believe that to be part of
25 the terms of the agreement, yes.

1 Q. And that would apply to all of
2 its distribution centers?

3 A. All of the distribution centers
4 that handled controlled substances, yes.

Response	Percentage
U.S. should take action	15%
U.S. should take action	25%
U.S. should take action	35%
U.S. should take action	45%
U.S. should take action	55%
U.S. should take action	65%
U.S. should take action	75%
U.S. should take action	85%
U.S. should not take action	15%
U.S. should not take action	25%
U.S. should not take action	35%
U.S. should not take action	45%
U.S. should not take action	55%
U.S. should not take action	65%
U.S. should not take action	75%
U.S. should not take action	85%

[illegible]

■ [REDACTED]

2 QUESTIONS BY MR. HAWAL:

3 Q. In terms of the expectations
4 that were communicated to McKesson as a part
5 of this settlement in 2008, do you have any
6 basis to say that McKesson would not have
7 been clearly informed of what its obligations
8 were as a part of that settlement in terms of
9 the prevention of diversion of pharmaceutical
10 controlled substances, including opioids?

11 MR. STANNER: Objection to the
12 form.

13 THE WITNESS: I think that they
14 were informed as to what the terms of
15 the agreement were and what their
16 obligations were as a registrant.

17 QUESTIONS BY MR. HAWAL:

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

Response	Percentage Range
U.S. should take action	10% - 90%
U.S. should not take action	10% - 90%

17 QUESTIONS BY MR. HAWAL:

18 Q. During that time period, from
19 2008 to 2013, were most of the communications
20 on behalf of the DEA to McKesson about its
21 failure to adhere to the 2008 settlement
22 agreement and its own CSMP communicated
23 through the US Department of Justice?

24 MR. STANNER: Objection to the
25 form.

1 THE WITNESS: Could you --
2 could you repeat the question?

3 MR. STANNER: Counsel, just not
4 to interrupt you, it's been going
5 about an hour, so when you hit a
6 decent point.

7 MR. HAWAL: Well, let me just
8 finish up this question.

9 MR. STANNER: Of course, yeah.

10 QUESTIONS BY MR. HAWAL:

■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

21 MR. HAWAL: Take a break.

22 VIDEOGRAPHER: The time is
23 10:04 a.m., and we're going off the
24 record.

25 (Off the record at 10:04 a.m.)

1 VIDEOGRAPHER: The time is
2 10:18 a.m., and we're back on the
3 record.

4 QUESTIONS BY MR. HAWAL:

Response	Percentage
U.S. should take action	10%
U.S. should take action	20%
U.S. should take action	30%
U.S. should take action	40%
U.S. should take action	50%
U.S. should take action	60%
U.S. should take action	70%
U.S. should take action	80%
U.S. should take action	90%
U.S. should not take action	10%
U.S. should not take action	20%
U.S. should not take action	30%
U.S. should not take action	40%
U.S. should not take action	50%
U.S. should not take action	60%
U.S. should not take action	70%
U.S. should not take action	80%
U.S. should not take action	90%

17 (McKesson-Boggs Exhibit 5
18 marked for identification.)

19 QUESTIONS BY MR. HAWAL:

20 Q. Sir, handing you what has been
21 marked as Plaintiff's Exhibit 5 bearing Bates
22 number 00409224.

23 Have you seen this -- has this
24 letter made its way to you following its
25 receipt by McKesson's counsel from the

[illegible]

[illegible]

[illegible]

15 MR. STANNER: So, Counsel, just
16 to clarify for the record --

17 MR. HAWAL: I'm sorry.

18 MR. STANNER: -- your version
19 of this document is double-sided and
20 the exhibit that we have is
21 single-sided, so we don't have
22 even-numbered pages.

23 MR. HAWAL: Let me do this.

24 Let's take a break.

25 MR. STANNER: To clarify, I

1 think we have all the pages. I think
2 they're just numbered differently.

3 MR. HAWAL: Ah. Okay.

4 QUESTIONS BY MR. HAWAL:

5 Q. Sir, do you have a page 15?

6 A. I don't have a page 14. I have
7 a page 15.

8 Q. All right. Well, I'm going to
9 refer you to page 15.

10 A. Okay.

11 Q. Very last sentence.

12 MR. STANNER: And the Bates
13 numbers are correct, so maybe just use
14 the Bates numbers instead of page
15 numbers.

16 QUESTIONS BY MR. HAWAL:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 THE WITNESS: I do not have

13 that page.

14 MR. HAWAL: You don't?

15 MR. STANNER: No, we do not

16 have -- so maybe the Bates numbers are

17 not consistent. It doesn't appear the

18 letter has all of the substance. So

19 if you want to take a break, we can

20 take a break.

21 VIDEOGRAPHER: Off the record,

22 Counsel?

23 MR. HAWAL: Let me do this.

24 Let me just try and make this simpler.

25

1 QUESTIONS BY MR. HAWAL:

2 Q. Reading from page 16, which is
3 00409239 -- I'm going to pass it to you after
4 I ask the question.

5 A. Okay.

6 Q. So --

7 MR. STANNER: Actually,
8 maybe -- I'm sorry, Counselor, and I
9 really don't mean to interrupt you,
10 but since this is the exhibit, maybe
11 we can work from the exhibit version
12 which is different -- numbered
13 differently.

14 MR. HAWAL: Let me see if it
15 corresponds with what I have.

16 Let's take a break.

17 MR. STANNER: Sure.

18 VIDEOGRAPHER: The time is
19 10:28 a.m., and we're going off the
20 record.

21 (Off the record at 10:28 a.m.)

22 VIDEOGRAPHER: The time is
23 10:31 a.m., and we're back on the
24 record.

25

1 QUESTIONS BY MR. HAWAL:



[illegible]

- [illegible]

[illegible]

19 QUESTIONS BY MR. HAWAL:

20 Q. And in response to these
21 charges, McKesson agreed in April of 2015 to
22 pay a \$150 million penalty, true?

23 A. It was part of the settlement
24 agreement, yes.

25 Q. And did it agree again to

1 change its practices regarding the prevention
2 of diversion of prescription opioids?

3 A. I believe that was the case,
4 yes.

5 Q. Did you agree that changes were
6 warranted?

7 MR. STANNER: Objection to the
8 form. Objection. Outside the scope
9 of the notice.

10 THE WITNESS: I would agree
11 that McKesson was evolving their
12 program to be contemporary with
13 today's environment and laws and
14 regulations.

15 QUESTIONS BY MR. HAWAL:

16 Q. Well, while McKesson may have
17 been evolving its programs, the law wasn't
18 evolving, was it?

19 MR. STANNER: Objection to the
20 form.

21 QUESTIONS BY MR. HAWAL:

22 Q. The legal responsibilities that
23 McKesson had were consistent from, when,
24 1970, to the present day?

25 MR. STANNER: Objection to the

1 form. Objection. Outside the scope
2 the scope.

3 MR. HAWAL: Well, I'm
4 responding to his answer.

5 Go ahead.

6 THE WITNESS: The laws were,
7 but there were different diversion
8 trends that occurred that in and of
9 themselves had different red flags
10 that required evolution and -- to stay
11 contemporary with those evolving
12 trends.

13 QUESTIONS BY MR. HAWAL:

14 Q. Well, the evolution of
15 McKesson's adherence to the laws went from
16 requiring a fine of 13 million in 2008 to a
17 fine of 150 million in 2014 because of its
18 failures to adhere to the terms of a
19 settlement agreement and the promises that it
20 made to the Drug Enforcement Administration
21 and the Department of Justice, true?

22 MR. STANNER: Objection to the
23 form.

24 THE WITNESS: I believe that
25 they were two different settlement

1 agreements that involved two different
2 sets of circumstances.

3 QUESTIONS BY MR. HAWAL:

4 Q. Well, we agree that McKesson
5 made promises to the Department of Justice in
6 2008, true?

7 A. It entered into a settlement
8 agreement that had various terms of that
9 settlement agreement, yes.

10 Q. Terms that McKesson promised it
11 would adhere to as a part of its settlement
12 of the charges that were brought against it
13 by the Department of Justice in 2008 and
14 before, true?

15 MR. STANNER: Objection to the
16 form.

17 THE WITNESS: I believe that's
18 the case, yes.

19 QUESTIONS BY MR. HAWAL:

Age Group	I don't know	I would not	I would	I would definitely
18-24	10%	10%	10%	10%
25-34	10%	10%	10%	10%
35-44	10%	10%	10%	10%
45-54	10%	10%	10%	10%
55-64	10%	10%	10%	10%
65-74	10%	10%	10%	10%
75+	10%	10%	10%	10%

■ [REDACTED] [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

5 QUESTIONS BY MR. HAWAL:

6 Q. Were you proud of the work that
7 the DEA was doing between 2006 and the time
8 that you left the DEA as it related to
9 efforts to prevent the diversion of opioids
10 and to try and reign in the opioid crisis?

11 MR. STANNER: Objection.

12 Outside the scope of the 30(b)(6)
13 notice.

14 THE WITNESS: I have been proud
15 of the work that I've done at the DEA
16 throughout the course of my entire
17 career.

18 QUESTIONS BY MR. HAWAL:

19 Q. And some of the work that you
20 were directed to do, at least during that
21 time period, related to efforts to prevent
22 the diversion of opioid pharmaceutical
23 products into the illicit marketplace, true?

24 MR. STANNER: Same objection.

25 THE WITNESS: That would be

1 true, yes.

2 QUESTIONS BY MR. HAWAL:

3 Q. Since 2014 -- well, since --
4 since you started with McKesson, have you had
5 any interactions with your former colleagues
6 that were involved in the investigation of
7 McKesson between 2008 and 2013 --

8 MR. STANNER: Objection to the
9 form.

10 QUESTIONS BY MR. HAWAL:

11 Q. -- such as Mr. Rannazzisi?

12 MR. STANNER: Objection to the
13 form.

14 THE WITNESS: I did not have
15 interactions with Mr. Rannazzisi
16 regarding the most recent settlement.

17 QUESTIONS BY MR. HAWAL:

18 Q. Well, have you spoken to him at
19 all between the point in time when you
20 started with McKesson until today?

21 A. I have.

22 Q. Under what circumstances?

23 A. Just personal time, you know.

24 Q. You still consider him a
25 friend?

1 MR. STANNER: Objection to the
2 form.

3 THE WITNESS: I do.

4 QUESTIONS BY MR. HAWAL:

5 Q. What about David Schiller, have
6 you spoken with him?

7 MR. STANNER: Objection.
8 Outside the scope of the notice.

9 THE WITNESS: I believe the
10 last time I spoke with him was at a
11 presentation that McKesson gave
12 regarding its controlled substances
13 monitoring program.

14 QUESTIONS BY MR. HAWAL:

15 Q. Did you ever communicate with
16 either of them since you joined McKesson that
17 in your view McKesson's anti-diversion
18 efforts prior to 2013 were woefully
19 inadequate or words to that effect?

20 A. I did not.

21 Q. You deny doing so?

22 A. Absolutely.

23 Q. Are you familiar with the term
24 "drug diversion migration"?

25 MR. STANNER: Objection.

1 Outside the scope of the notice.

2 THE WITNESS: No.

3 QUESTIONS BY MR. HAWAL:

4 Q. You're not familiar with the
5 term "drug migration"?

6 MR. STANNER: Same objection.

7 THE WITNESS: No, I'm not.

8 MR. STANNER: And objection to
9 the form.

10 QUESTIONS BY MR. HAWAL:

11 Q. Has McKesson ever discussed
12 with DEA the subject of drug diversion or
13 drug -- not drug diversion, but drug
14 migration?

15 A. I'm not sure what context
16 you're defining drug migration.

17 (McKesson-Boggs Exhibit 6
18 marked for identification.)

19 QUESTIONS BY MR. HAWAL:

20 Q. I'm handing you what I've
21 marked as Plaintiff's Exhibit 6. It appears
22 to be a PowerPoint presentation of McKesson
23 dated 2014 entitled "Prescription Drug Abuse,
24 The National Perspective," 00407451.

25 Have you ever seen this

1 PowerPoint presentation or a printed version
2 of it as you're looking at today?

3 MR. STANNER: So, Counsel, just
4 again, I think we're skipping Bates
5 numbers on this version of the
6 document.

7 MR. HAWAL: Great.

8 MR. STANNER: Maybe we should
9 check.

10 MR. HAWAL: Well, I'm only
11 going to go to one page.

12 MR. STANNER: But I just don't
13 know if he has the entire document.

14 MR. HAWAL: What's that?

15 MR. STANNER: I don't know that
16 he has the entire document.

17 MR. HAWAL: I understand.
18 Well, I will substitute it at the
19 conclusion of the deposition, but...

20 QUESTIONS BY MR. HAWAL:

21 Q. Do you have 00407465?

22 A. I do.

23 Q. It appears you do.

24 Have you ever seen this
25 document or that page 00407465?

1 A. I've seen the document. I
2 don't recall specifically the page you're
3 referring to.

4 Q. Well, in what context would you
5 have seen this document?

6 MR. STANNER: Just for the
7 record, an objection to Exhibit 6 is
8 it's incomplete.

9 THE WITNESS: I don't recall
10 what context I would have seen it.

11 QUESTIONS BY MR. HAWAL:

12 Q. Do you know if you would have
13 had any role in preparing it?

14 A. I believe I may have, yes.

The diagram consists of 12 horizontal bars of varying lengths and positions, arranged in a sequence from top to bottom. The bars are represented by gray rectangles. The first bar is at the top, followed by a gap, then a bar, another gap, and then a series of bars that generally decrease in length and shift to the right. The final bar is at the bottom, followed by a gap, and then a final bar. The bars are arranged in a way that suggests a flow or sequence of events over time.

[illegible]

[illegible]

1. Start

2. Identify the problem

3. Gather information

4. Analyze the information

5. Develop a plan

6. Implement the plan

7. Monitor the results

8. Evaluate the results

9. Reflect on the experience

10. Share the results

11. Celebrate success

12. Learn from failure

13. Apply the lessons learned

14. Continue to improve

15. End

15 QUESTIONS BY MR. HAWAL:

16 Q. Did you have any role in
17 studying this issue at McKesson?

18 A. I did not.

19 Q. Did you or any other McKesson
20 employee, to your knowledge, attend a DEA
21 distributors conference in Indianapolis on
22 May 10th and May 11, 2016?

23 A. I believe someone from McKesson
24 would have attended that, yes.

25 Q. Have you seen any documents

1 that were generated as a result of that
2 attendance or that presentation or program?

3 A. I have not.

4 Q. Has DEA communicated to
5 McKesson the importance of determining
6 whether one of its pharmaceutical customers
7 is obtaining controlled substances, not only
8 from McKesson, but from other distributors at
9 the time -- same time it's obtaining
10 controlled substances from McKesson?

11 MR. STANNER: Objection to the
12 form.

13 THE WITNESS: I'm not sure I
14 understand your question.

15 QUESTIONS BY MR. HAWAL:

16 Q. Has the DEA ever communicated
17 to McKesson, to your knowledge, the
18 importance of McKesson determining whether a
19 pharmacy customer is receiving controlled
20 substances from McKesson at the same time
21 that it's receiving controlled substances
22 from other distributors?

23 MS. MCCLURE: Objection.

24 MR. STANNER: Same objection.

25 THE WITNESS: Not that I

1 recall, no.

2 QUESTIONS BY MR. HAWAL:

The image consists of a dark gray rectangular field. A regular grid of small white squares is superimposed over the entire area. Additionally, there are numerous horizontal bars of two colors: black and white. These bars vary significantly in their vertical position, length, and thickness. Some bars span almost the entire width of the frame, while others are short segments. The arrangement of these bars creates a complex, abstract pattern that could be interpreted as a stylized representation of a barcode or a digital signal waveform.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 QUESTIONS BY MR. HAWAL:

12 Q. For as long as you've been with
13 the DEA and then an employee of McKesson, has
14 the DEA consistently communicated to
15 distributors, including McKesson, the
16 importance of maintaining effective controls
17 and procedures to guard against the diversion
18 of controlled substances?

19 MR. STANNER: Objection to the
20 form. Objection to the scope of the
21 notice.

22 THE WITNESS: I believe so,
23 yes.

24 QUESTIONS BY MR. HAWAL:

25 Q. Have you ever seen any written

1 communications from the DEA to McKesson or
2 any distributor that it was not required to
3 identify suspicious orders and report those
4 suspicious orders to the DEA?

5 MR. STANNER: Objection to the
6 form.

7 THE WITNESS: Not that I'm
8 aware of.

9 QUESTIONS BY MR. HAWAL:

10 Q. For as long as you've been with
11 the DEA and then an employee of McKesson, has
12 the FDA -- I'm sorry, the DEA consistently
13 communicated to distributors, including
14 McKesson, the importance of blocking
15 suspicious orders that have been reported to
16 the DEA and not shipping them to the
17 customer?

18 MR. STANNER: Objection to the
19 form.

20 THE WITNESS: I do not believe
21 that they have -- that the DEA has
22 consistently done that, no.

23 QUESTIONS BY MR. HAWAL:

24 Q. Have you seen any documents
25 that would be to the contrary that the DEA

1 advised McKesson or any distributor that if
2 they identify a suspicious order, that it not
3 only needs to be reported to the DEA, but the
4 order must not be shipped?

5 MR. STANNER: Objection to the
6 form.

7 THE WITNESS: I believe that
8 one of the letters authored by Joseph
9 Rannazzisi spoke to blocking the
10 order. I don't recall any other
11 information.

12 QUESTIONS BY MR. HAWAL:

13 Q. Well, if you look at the
14 settlement agreement that McKesson entered
15 into in 2008, that specifically provides that
16 not only should suspicious orders be reported
17 to the DEA, but they should not be shipped,
18 true?

19 A. I believe that's the case, yes.

20 Q. Have you ever seen any
21 documents from the DEA which endorsed or
22 approved McKesson's controlled substance
23 monitoring program, or CSMP, or how it should
24 be implemented?

25 A. The DEA?

1 Q. Yes, sir.

2 A. Not that I'm aware of, no.

3 Q. That discretion is left to
4 the -- is left to McKesson or was left to
5 McKesson, true?

6 MR. STANNER: Objection to the
7 form.

8 QUESTIONS BY MR. HAWAL:

9 Q. By the DEA?

10 A. I believe that's the case, yes.

11 Q. Have you ever seen any document
12 whereby McKesson communicated to the DEA that
13 it was incapable of identifying suspicious
14 orders or stopping their shipment?

15 A. Not that I recall, no.

16 Q. You were also identified as a
17 person most knowledgeable at McKesson about
18 controlled substance quotas, but we were told
19 that McKesson has no documents relating to
20 controlled substance quotas and does not set
21 quotas.

22 Is that familiar to you, sir?

23 MR. STANNER: Objection --

24 THE WITNESS: It's familiar to
25 me, yes.

1 MR. STANNER: -- to the form.

2 QUESTIONS BY MR. HAWAL:

3 Q. So is there any role -- does
4 McKesson play any role in setting quotas or
5 contributing to the establishment of quotas
6 for controlled substances?

7 MR. STANNER: Objection to the
8 form.

9 THE WITNESS: The Drug
10 Enforcement Administration sets the
11 quotas.

12 QUESTIONS BY MR. HAWAL:

13 Q. All right. And McKesson and
14 other distributors do not play a role in
15 that?

16 A. The only role that we would
17 play is the ARCOS reporting, the data that we
18 report via ARCOS, which is considered as part
19 of the DEA determination when setting the
20 quotas. That would be the only role that we
21 would play.

22 MR. HAWAL: All right. I don't
23 have any further questions. We are
24 going to reserve our right to reopen
25 this deposition once McKesson complies

1 with the Special Master's order on
2 providing documents that predate 2013,
3 which have not been produced as a part
4 of the productions to date.

5 So subject to that, we're going
6 to suspend the deposition. Okay.

7 MR. STANNER: No questions for
8 McKesson.

9 MR. HAWAL: And I will
10 substitute a copy of that document,
11 Exhibit 6.

12 VIDEOGRAPHER: Anyone else?
13 The time is 10:57 a.m., July 19, 2018,
14 going off the record. End of the
15 videotaped deposition.

16 (Deposition concluded at 10:57 a.m.)

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CERTIFICATE

I, CARRIE A. CAMPBELL, Registered
Diplomate Reporter, Certified Realtime
Reporter and Certified Shorthand Reporter, do
hereby certify that prior to the commencement
of the examination, Gary Boggs was duly sworn
by me to testify to the truth, the whole
truth and nothing but the truth.

I DO FURTHER CERTIFY that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney
nor counsel of any of the parties to this
action, and that I am neither a relative nor
employee of such attorney or counsel, and
that I am not financially interested in the
action.

CARRIE A. CAMPBELL,
NCRA Registered Diplomate Reporter
Certified Realtime Reporter
California Certified Shorthand
Reporter #13921
Missouri Certified Court Reporter #859
Illinois Certified Shorthand Reporter
#084-004229
Texas Certified Shorthand Reporter #9328
Kansas Certified Court Reporter #1715
Notary Public
Dated: July 24, 2018

1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition over
4 carefully and make any necessary corrections.
5 You should state the reason in the
6 appropriate space on the errata sheet for any
7 corrections that are made.

8 After doing so, please sign the
9 errata sheet and date it. You are signing
10 same subject to the changes you have noted on
11 the errata sheet, which will be attached to
12 your deposition.

13 It is imperative that you return
14 the original errata sheet to the deposing
15 attorney within thirty (30) days of receipt
16 of the deposition transcript by you. If you
17 fail to do so, the deposition transcript may
18 be deemed to be accurate and may be used in
19 court.

20

21

22

23

24

25

ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the foregoing
pages and that the same is a correct
transcription of the answers given by me to
the questions therein propounded, except for
the corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

Gary L. Boggs

DATE

Subscribed and sworn to before me this
_____ day of _____, 20 _____.

My commission expires: _____

Notary Public

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